

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3678-04  
Bill No.: Perfected HCS for HB 1317  
Subject: Crimes and Punishment  
Type: Original  
Date: March 30, 2006

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue	(\$2,873,757)	(\$3,542,677)	(\$3,648,260)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$2,873,757)</b>	<b>(\$3,542,677)</b>	<b>(\$3,648,260)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

### **FISCAL ANALYSIS**

#### **ASSUMPTION**

Officials from the **Department of Transportation, Department of Labor and Industrial Relations, Department of Social Services,** and the **Department of Conservation** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** anticipate no fiscal impact for this bill that cannot be absorbed within existing resources. In fact, most of what would be required due to passage of this proposal is already considered a standard within DOC.

ASSUMPTION (continued)

Since a time-frame isn't stipulated in the language of the bill, DOC assumes that if the photograph is taken within 30 days prior to release that this will be an acceptable window of time. Upon passage of the bill, this task will be added to the existing release procedures.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of Administration (COA)** assume it is not possible to estimate the fiscal impact of the proposed legislation. Currently, state employees may be granted time off with compensation in compliance with a subpoena to appear in court or before a judge, any legislative committee, or any officer, board, or body authorized to conduct any hearing or inquiry, except when the employee is a plaintiff or defendant in a cause of action not arising out of employment, or for jury service.

COA officials assume that although an employee would not have to be compensated to cover the absence, it could result in additional time off by an employee that an employer would have to cover by providing overtime to other employees. COA does not have a way of estimating the number of employees that would be able to claim time off for the reasons included in the proposed legislation. Since an estimate would be speculative, none is provided.

Officials from the **St. Louis County Department of Justice Services** assume additional staff costs may be necessary depending on the number of requests by victims for prisoner photos. One additional staff person would cost approximately \$30,000. If the same photo could be given that was taken upon the initial admission of the prisoner, then no additional staff costs would be necessary. The material costs to copy one color photo upon request of the victim would be \$1. The total material costs would depend on the number of photos being requested by victims per year.

**Oversight** assumes state agencies could incur costs in the form of additional overtime to employees to cover for employees who are out due to the provisions in this proposal. Oversight assumes these costs would be paid out of current appropriations. Therefore, Oversight has shown no fiscal impact.

**Oversight** assumes political subdivisions could incur costs in the form of additional overtime to employees to cover for employees who are out due to the provisions in this proposal. Oversight assumes these costs would be paid out of current budgets. Therefore, Oversight has shown no fiscal impact.

ASSUMPTION (continued)

**Oversight** assumes local law enforcement agencies could experience increased personnel costs and materials costs to comply with the provisions requiring, upon victim's request, photographs of persons released from incarceration.

HA 1 – Forensic Examinations for Victims of Sexual Offenses or Crimes (§191.225)

Officials from the **Department of Health and Senior Services (DHSS)** assume they will pay for the charges associated with a forensic exam regardless of private insurance, Medicaid, or Medicare. As a result, DHSS will be processing an increased number of claims and paying for claims resulting in a need for increased funding. In addition, due to the increased workload, DHSS will be needed to add an employee to process and pay additional rape forensic examination itemized bills.

DHSS estimates the charges for medical providers conducting 2,414 forensic examination as follows:

- 2,414 emergency room examinations X \$1,430 per exam = \$3,452,020.
- Current funding (\$72,675) level will pay for approximately 50 exams.
- Funding would be needed for 2,364 exams.

In addition to costs for forensic examinations, the Missouri State Highway Patrol orders approximately 4,500 rape kits a year. Therefore, DHSS would need to supply 4,500 copies of the rape checklist per year. The current charge for 4,500 copies of a one-page, carbonless, black and white, 8 x 11.5 document is \$113.00.

DHSS will also need one additional FTE Health Program Representative I (at \$32,004 per year) to carry out the daily administration of the examination payments.

DHSS estimates the total cost of the proposal to be \$2,866,824 in FY 07, \$3,537,985 in FY 08, and \$3,643,882 in FY 09. DHSS states there is a federal grant that may be available to cover some of the costs. The federal grant is competitively applied for and may have state matching requirements. Should this legislation become enacted as law, DHSS would apply for the federal grant.

ASSUMPTION (continued)

**Oversight** has, for fiscal note purposes only, changed the starting salary for the Health Program Representative I to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research. In addition, Oversight assumes the FTE would be housed within existing facilities. Therefore, Oversight has reduced the expenses to eliminate rent and janitorial expenses.

**Oversight** has not reflected the use of federal funds in the fiscal note because the federal funds are competitively applied for and may have state matching requirements.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume, based on the number of sexual assault incidents that are reported annually, they would provide 15,000 kits per year. MHP estimates the cost of a sexual assault kit to be \$4, for a total cost of approximately \$60,000 per year. MHP officials state they presently purchase 4,154 sexual assault evidentiary collection kits annually.

**Oversight** assumes the Missouri State Highway Patrol would continue to purchase approximately 4,154 sexual assault evidentiary collection kits annually.

For fiscal note purposes, **Oversight** has based the costs on 2004 statistics provided by the Department of Health and Senior Services and assumes the number of forensic examinations conducted annually would remain relatively constant.

**Officials from the City of Kansas City, City of St. Louis, City of Springfield, Jackson County, and Greene County did not respond to Oversight's request for fiscal impact.**

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
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**GENERAL REVENUE FUND**

Costs – Department of Health and Senior Services (§191.225)

Personal Service (1 FTE)	(\$22,489)	(\$27,661)	(\$28,352)
Fringe Benefits	(\$9,909)	(\$12,187)	(\$12,492)
Equipment and Expense	(\$7,659)	(\$4,293)	(\$4,422)
Cost of forensic examinations	<u>(\$2,817,100)</u>	<u>(\$3,481,936)</u>	<u>(\$3,586,394)</u>
<u>Total Costs</u> – DHSS	<u>(\$2,857,157)</u>	<u>(\$3,526,077)</u>	<u>(\$3,631,660)</u>

Costs – Missouri State Highway Patrol

Evidentiary collection kits (§191.225)	<u>(\$16,600)</u>	<u>(\$16,600)</u>	<u>(\$16,600)</u>
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**ESTIMATED NET EFFECT ON  
GENERAL REVENUE FUND**

<u><b>(\$2,873,757)</b></u>	<u><b>(\$3,542,677)</b></u>	<u><b>(\$3,648,260)</b></u>
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FISCAL IMPACT - Local Government

FY 2007 (10 Mo.)	FY 2008	FY 2009
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**POLITICAL SUBDIVISIONS**

Costs – Law Enforcement Agencies

Staff cost and photo cost	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON  
POLITICAL SUBDIVISIONS**

<u><b>(Unknown)</b></u>	<u><b>(Unknown)</b></u>	<u><b>(Unknown)</b></u>
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FISCAL IMPACT - Small Business

Small businesses could experience a fiscal impact as a result of the proposed legislation. The proposal would not allow an employer to require the use of vacation time for an employee to respond to a subpoena, attend a criminal proceeding, or participate in the preparation of a criminal proceeding. Although an employee would not have to be compensated to cover the absence, it could result in additional time off by an employee that an employer would have to cover by providing overtime to other employees.

### FISCAL IMPACT - Small Business (continued)

In addition, medical providers authorized to receive payments from Department of Health and Senior Services for forensic examinations of persons who may be a victim of a sexual offense or a crime could experience a positive fiscal impact as a result of the proposal.

### DESCRIPTION

The proposed legislation requires a photograph to be taken of every incarcerated individual and made available to the victim, upon victim's request. The proposal also allows victims to be represented by an appointed person instead of a personal appearance during parole and probation revocation hearings for the defendant and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room to shield the victim from the view of the probationer or parolee. The victim's appointee who honors any subpoena to testify in or attend a criminal proceeding is protected from discharge by any employer. For sexual offenses and certain offenses against the family where an imposition of sentence is suspended, the official records pertaining to the case shall be made available, upon request, to the victim for the purpose of using the records in his or her own judicial proceedings.

HA 1 – This amendment changes the laws regarding the collection of evidence of a sexual assault. The amendment requires the State Highway Patrol to develop evidentiary collection kits for the forensic examination of victims of sexual assault and distribute the kits to medical providers who conduct the exams; extends from 48 hours to 72 hours the time within which medical providers must file their report of a forensic exam; prohibits medical providers from charging the victim for the exam; and requires the Department of Health and Senior Services to develop a treatment checklist for sexual assault victims.

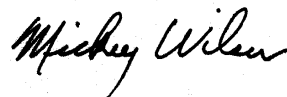
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

**SOURCES OF INFORMATION**

Office of the Attorney General  
Office of Administration  
Office of State Courts Administrator  
Department of Transportation  
Department of Corrections  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Social Services  
Department of Public Safety  
    – Missouri State Highway Patrol  
Department of Conservation  
Office of Prosecution Services  
St. Louis County Department of Justice Services

**NOT RESPONDING**

**City of Kansas City**  
**City of St. Louis**  
**City of Springfield**  
**Jackson County**  
**Greene County**



Mickey Wilson, CPA  
Director  
March 30, 2006